

Doc. 4512

MEMORANDUM

NOVEMBER 1, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: STEPHEN COYLE, DIRECTOR
SUBJECT: BOARD OF APPEAL REFERRALS

Recommendations on twelve zoning cases have been prepared by Authority staff for transmittal to the Board of Appeal.

Referral	Recommendation		
	<u>Approval</u>	<u>Denial</u>	<u>Denial w/o Prejudice</u>
Routine minor deviations	2	1	1
Minor dwelling unit increases	3		
Major new housing; conversions			
Roof-top additions			
Parking; gas stations	1		
Industrial; chemical storage			
Institutional	1		
Commercial; office; business	2		
Restaurants; hotels	1		

We recommend approval of two routine minor deviations:

Z-7294: 75 Weld Hill Street, Jamaica Plain. Erect shed dormer addition to two-family dwelling. Violation is technical. Dormer will front open field and wooded area. Design review proviso.

Z-7299-7300: 15-17 Walker Street, Charlestown. Subdivide duplex dwelling and legalize one-family occupancies. Subdivision will allow sale of separate properties. Violation is technical. Proviso: uniform exterior of structure.

We recommend approval of three minor dwelling unit increases.

Z-7289: 1246 Commonwealth Avenue. Change occupancy from 23 apartments and 2 offices to 24 apartments and doctor's office. Conversion of office to dwelling unit desirable and consistent with residential area. Design review proviso for exterior changes.

Z-7314: 312 Neponset Valley Parkway, Hyde Park. Legalize two-family dwelling. Existing occupancy of eight years is compatible with mixed-residential character of neighborhood.

Z-7297: 1350-1358 Dorchester Avenue, Dorchester. Legalize occupancy for 17 apartments and three stores. Present vacant building will be restored to a viable occupancy. Residents favor proposal. Parking and design review provisos.

We recommend approval of one parking case.

Z-7303: 10-12 Museum Road, Boston. Use premises for ancilliary parking (14 cars) by Museum of Fine Arts and Museum School staff. Provisos: that use be granted for period not to exceed five years, and that Authority and Museum review future site developments plans and parking lot landscaping.

We recommend approval of one institutional case.

Z-7305: 1133 Centre Street, Jamaica Plain. Conversion of Faulker Hospital Nurse's Dormitory to accessory clinic, physician and administrative offices. Primary purpose is to relocate breast cancer detection center from present small space within hospital complex. Neighborhood's critical concern is parking. Provisos: that occupancy be limited at this time to detection center and that hospital work with neighborhood, city and Authority on parking, in-lieu of tax payment and master plan prior to conversion of remaining space in building.

We recommend approval of two commercial cases.

Z-7301: 114-126 Washington Street, Dorchester. Change occupancy from six stores to five stores and Chinese food take-out restaurant. Proposal compatible with residential-local business character of area. Two residents are opposed noise and debris. Provisos: that operation terminate no later than 11:00 P.M., there be daily maintenance and trash-rubbish collections, kitchen odors are effectively vented out roof, and ventilation and design plans are submitted to Authority for design review.

Z-7295: 76-84 Boylston Street, Boston. Essentially a change of occupancy from shorthand-typing school to electronic, refrigeration, and computer school. Proposal compatible with commercial use of the Little Building and the general business area.

We recommend approval of one restaurant case:

Z-7298: 885 Cummings Highway, Mattapan. Addition of drive in facility and playground to existing take out (Burger King) restaurant. Similar petition approved by Authority in April; petitioner failed to appear at hearing and Board of Appeal dismissed without prejudice. No community response on this or former petition.

We recommend denial of one case:

Z-7296: 19 Mystic Street, Charlestown. Addition to three-family duplex dwelling erected without permit has adversely affected direct abuttor creating light-air, drainage and fire exit problems.

We recommend denial without prejudice in one case:

Z-7302: 4 Cedar Place, Dorchester. Change occupancy from one-family dwelling to daycare center for ten children. This use could be beneficial to the Upham's Corner area. However, staff has been unable to contact petitioner to address critical concerns; hours of operation, potential traffic and child safety problems on small narrow street (drop-ff and pick-up of children), and compliance with state regulations for day-care center.

BOARD OF APPEAL REFERRALS

November 1, 1984

Hearing

1. Z-7289 11/13/84 Horizon Associates
1246 Commonwealth Avenue, Brighton
2. Z-7294 11/13/84 Joseph R. Lewin
75 Weld Hill Street, Jamaica Plain
3. Z-7295 11/13/84 Gerald S. Fineburg and
Kenneth M. Goldburg, Trustees
Little Building Associates Trust
76-84 Boylston Street, Boston
4. Z-7296 11/13/84 Casimir S. Lopata
19 Mystic Street, Charlestown
5. Z-7297 11/13/84 Robert Raimondi, Trustee
1350-1358 Dorchester Avenue,
Dorchester
6. Z-7298 11/13/84 Burger King Corporation
885 Cummins Highway, Mattapan
7. Z-7299-7300 11/13/84 John P. Simpson
15-17 Walker Street, Charlestown
8. Z-7301 11/13/84 F. M. & G. Realty Corp.
114-126 Washington Street,
Dorchester
9. Z-7302 11/13/84 James Mosewick
4 Cedar Place, Dorchester
10. Z-7303 11/13/84 Museum of Fine Arts
10-12 Museum Road, Boston
11. Z-7305 11/13/84 Faulkner Hospital
1133 Centre Street, Jamaica Plain
12. Z-7314 11/13/84 Mark and Kathleen Nasuti
312 Neponset Valley Parkway, Hyde
Park

MEMORANDUM

November 1, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Stephen Coyle, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 11/13/84

Z-7289
Horizon Associates
1246 Commonwealth Avenue, Brighton

Existing
at site: Four-story structure

Purpose of
petition: Change occupancy from 23 apartments and 2 offices to 24 apartments
and doctor's office.

District(s) Site is in apartment (H-1) multifamily district.
and Uses(s): Conversion for more families is forbidden use.

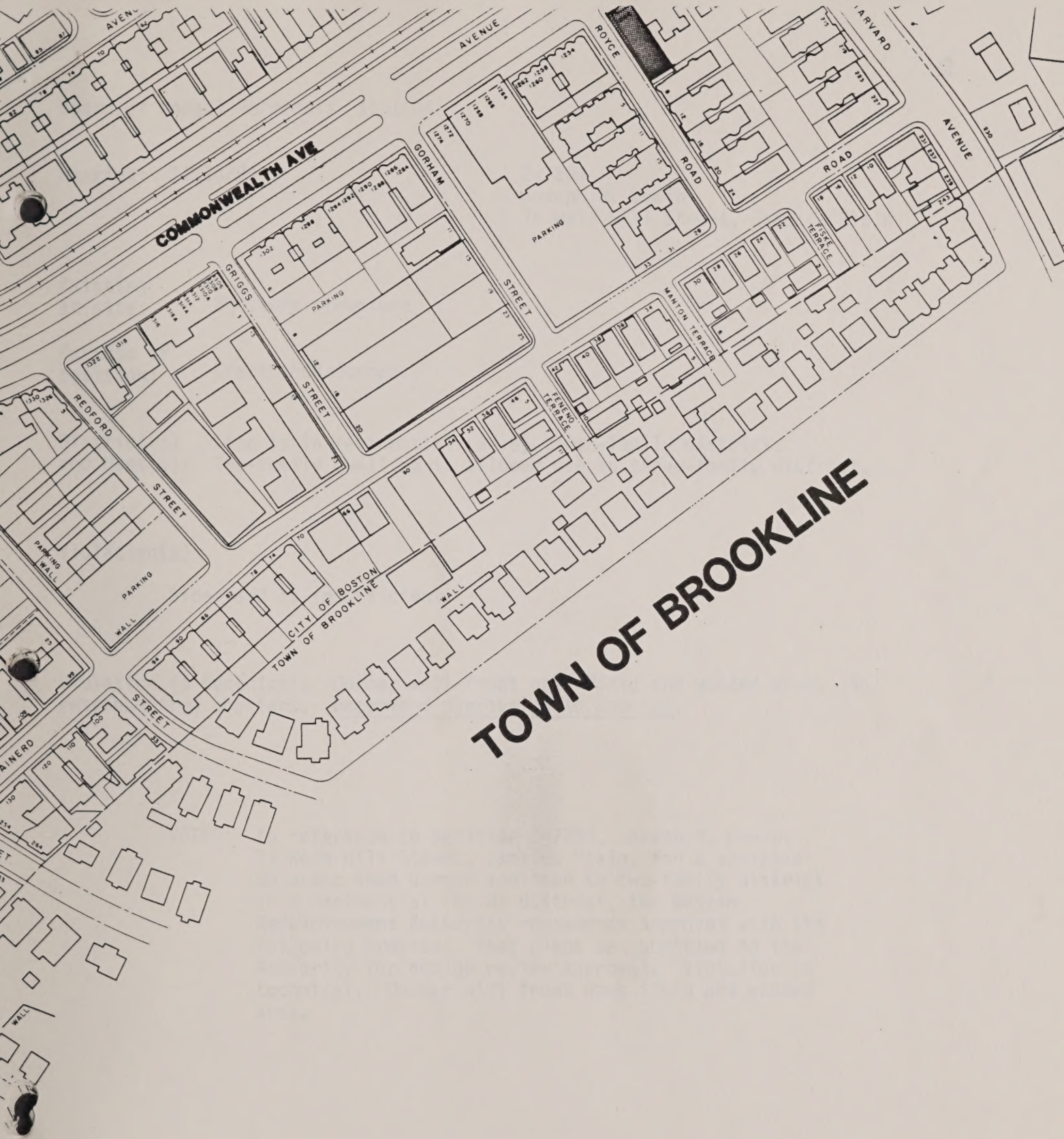
Violation(s):

Dwelling converted for more families is forbidden use.

Lot area and open space are insufficient.

Conversion of former office use to dwelling unit is desirable and consistent
with residential character of area. Recommend approval with proviso.

VOTED: In reference to petition Z-7289, Horizon Associates,
1246 Commonwealth Avenue, Brighton, for a forbidden
use and two variances for change of occupancy from
23 apartments and two offices to 24 apartments and
doctor's office in an apartment (H-1) district, the
Boston Redevelopment Authority recommends approval
with the following proviso: that plans for any
exterior changes be submitted to the Authority for
design review approval. Conversion of former office
use to dwelling unit is desirable and consistent
with residential character of area.



TOWN OF BROOKLINE

Z-7289

1246 COMMONWEALTH AVE. BRIGHTON

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7294

Joseph R. Lewin

75 Weld Hill Street, Jamaica Plain

Existing
at site: 2½-story structure

Purpose of
petition: Erect shed dormer.

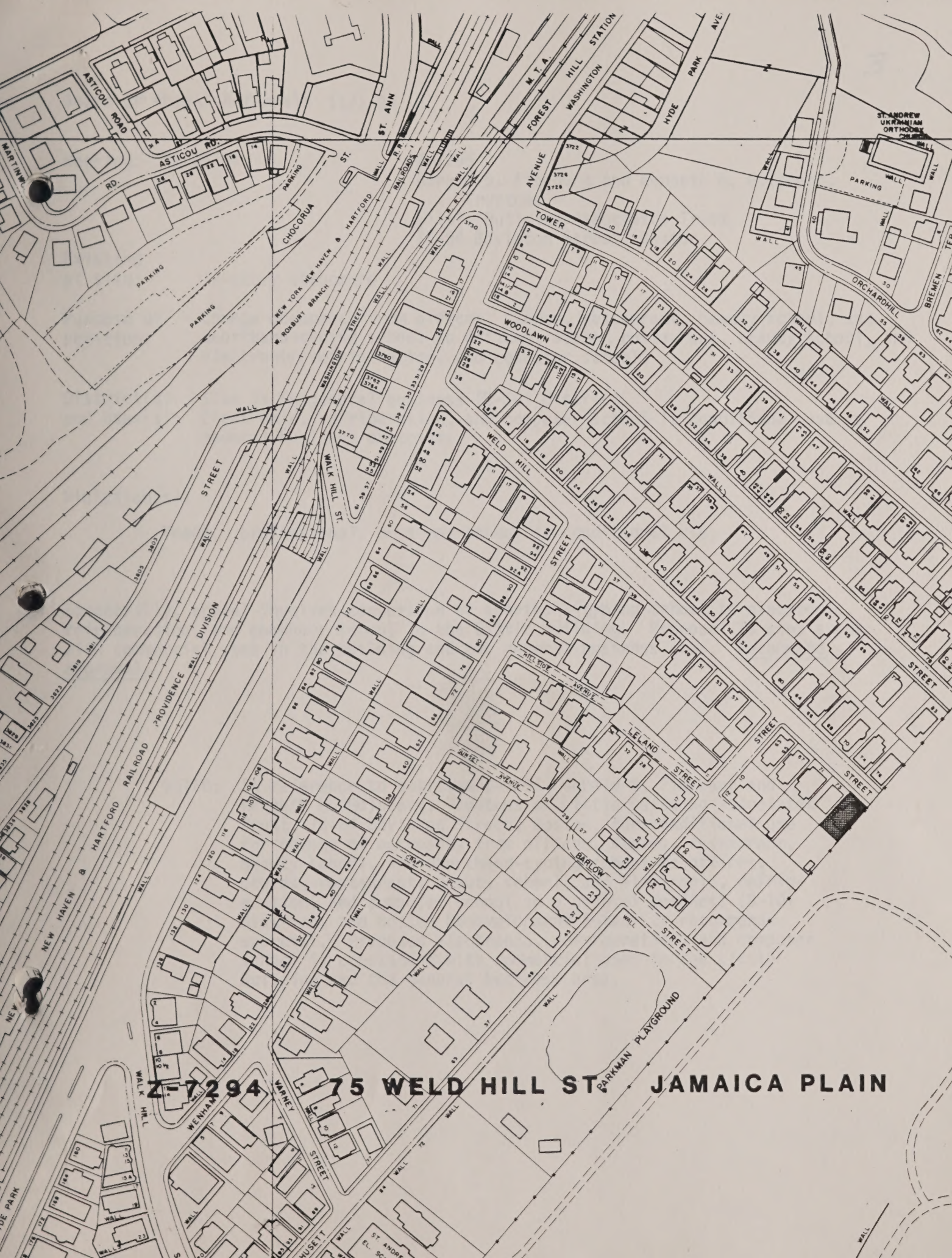
District(s) Site is in residential (R-.8) three-family district.
and Uses(s): Two-family dwelling is allowed use in three-family district.

Violation(s):

Side yard is insufficient.

Violation is technical. Dormer will front open field and wooded area. No
response from abutters. Recommend approval with proviso.

VOTED: In reference to petition Z-7294, Joseph R. Lewin,
75 Weld Hill Street, Jamaica Plain, for a variance
to erect shed dormer addition to two-family district
in a residential (R-.8) district, the Boston
Redevelopment Authority recommends approval with the
following proviso: that plans be submitted to the
Authority for design review approval. Violation is
technical. Dormer will front open field and wooded
area.



Z-7294

75 WELD HILL ST

JAMAICA PLAIN

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7295

Gerald S. Fineburg and Kenneth M. Goldberg,
TrusteesLittle Building Associates Trust
76-84 Boylston Street, BostonExisting
at site: 12-story structurePurpose of
petition: Change occupancy from offices, stores, restaurant, beauty school, and
shorthand-typing school to offices, stores, restaurant, beauty school, and
electronic, refrigeration, and computer school.District(s) Site is in general business (B-10) district.
and Uses(s): Electronic, refrigeration, and computer school is conditional use in
general business district.

Violation(s):

Trade, professional, or other school is conditional use.

Essentially, appeal involves conversion of shorthand-typing school to electronic, refrigeration, and computer school in the Little Building. Proposal is consistent with commercial uses in the building and the general business area. Recommend approval.

VOTED: In reference to petition Z-7295, Gerald S. Fineburg and Kenneth M. Goldberg, Trustees of Little Building Associates Trust, 76-84 Boylston Street, Boston, for conditional use for change of occupancy from offices, stores, restaurant, beauty school, and shorthand-typing school to offices, stores, restaurant, beauty school, and electronic, refrigeration, and computer school in a general business (B-10) district, the Boston Redevelopment Authority recommends approval. Proposed electronic, refrigeration, and computer school is consistent with commercial uses in the Little Building and the general business area.



MASSACHUSETTS PARKING AUTHORITY

BOSTON

COMMON

CENTRAL
BURIAL
GROUND

BOYLSTON ST.

SQUARE

PARK

ELIOT

STUART

PARKING
AREA

STREET

STREET

STREET

PARKING
AREA

PARKING
AREA

PARKING AREA

STREET

STREET

WARREN

SEAVY PL

TREMONT

DORE

STREET

STREET

STREET

WASHINGTON

HARVARD

RENNET

Z-7295

76-84 BOYLSTON ST BOSTON

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7296

Casimir S. Lopata

19 Mystic Street, Charlestown

Existing
at site: Three-story structure

Purpose of
petition: Erect one-story addition.

District(s) Site is in apartment (H-1) multifamily district.
and Uses(s): Three-family dwelling is allowed use in multifamily district.

Violation(s):

Floor area ratio is excessive.

Site is half of duplex structure. Third-floor-rear addition constructed without permit has adversely affected direct abutter and created significant concerns: impairment of light and air, improper water drainage causing basement flooding, and fire exit. A cease-work order has been issued by Inspectional Services Department. Recommend denial.

VOTED: In reference to petition Z-7296, Casimir S. Lopata, 19 Mystic Street, Charlestown, for a variance to erect one-story addition to three-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Site is half of duplex structure. Third-floor-rear addition constructed without permit has adversely impacted direct abutter and caused significant concerns: impairment of light and air, improper water drainage causing basement flooding, and fire exit. A cease-work order has been issued by the Inspectional Services Department.



Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7297

Robert Raimondi, Trustee
1350-1358 Dorchester Avenue, Dorchester

Existing
at site: Four-story structure

Purpose of
petition: Legalize occupancy as 17 apartments and 3 stores.

District(s) Site is in local business (L-1) district.
and Uses(s): Conversion for more families is forbidden use.

Violation(s):

Dwelling converted for more families is forbidden use.

Lot area, open space, and off-street parking are insufficient.

In 1970, Board of Appeal approved, with Authority concurrence, a change of occupancy from 12 apartments and 3 stores to 20 apartments. A permit was subsequently issued, but work was not completed, leaving 17 apartments and 3 stores. Present vacant building will be restored to viable occupancy. Residents favor proposal. Recommend approval with provisos.

VOTED: In reference to petition Z-7297, Robert Raimondi, Trustee, 1350-1358 Dorchester Avenue, Dorchester, for forbidden use and three variances to legalize occupancy for 17 apartments and 3 stores in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that plans be submitted to the Authority for design review approval; that petitioner make arrangements to provide adequate off-street parking. Present vacant building will be restored to a viable occupancy.



Z-7297

1350-1358 DORCHESTER AVE. DORCHESTER

6
Board of Appeal Referrals 11/1/84

Hearing: 11/13/83

Z-7298
Burger King Corporation
885 Cummins Highway, Mattapan

Existing
at site: One-story structure

Purpose of
petition: Change occupancy from take-out restaurant to take-out and drive-in
restaurant; erect playground addition.

District(s) Site is in local business (L-.5) district.
and Uses(s): Take-out drive-in restaurant is conditional use in local business
district.

Violation(s):

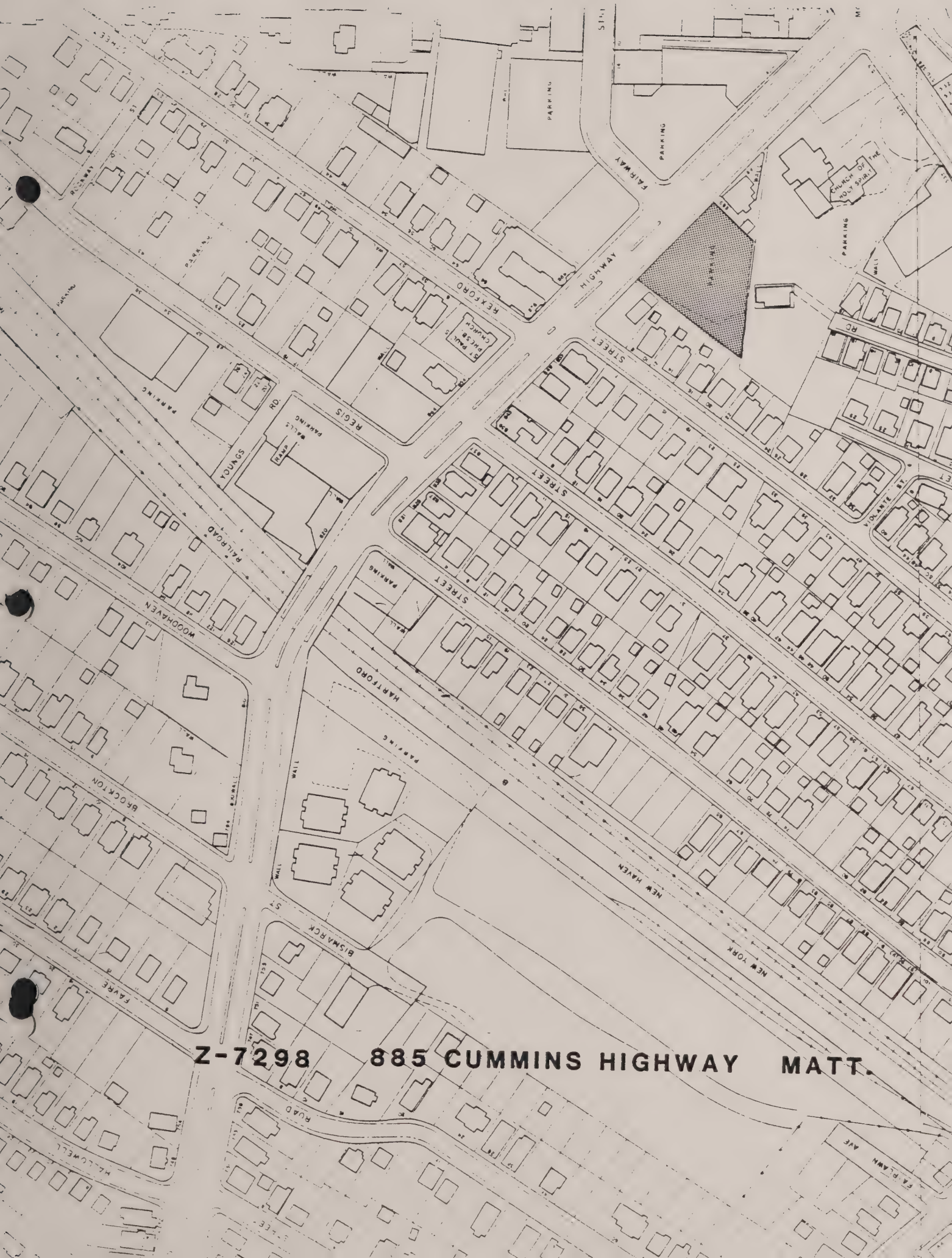
Take-out drive-in restaurant is conditional use.

Front yard is insufficient.

Last April, Authority recommended approval of similar petition with design
review proviso; however, appellant did not appear at subsequent public hearing
and Board of Appeal dismissed petition without prejudice.

Playground addition in front of facility for benefit of patrons will be
entirely fenced. No response from community on this or previous petition.
Recommend approval with proviso.

VOTED: In reference to petition Z-7298, Burger King Corporation,
885 Cummins Highway, Mattapan, for a conditional use and
a variance for change of occupancy from take-out restaurant
to take-out drive-in restaurant and erect playground addi-
tion in a local business (L-.5) district, the Boston
Redevelopment Authority recommends approval with the
following proviso: that plans be submitted to the Authority
for design review approval. Playground addition in front of
restaurant for benefit of patrons will be entirely fenced.



Z-7298

885 CUMMINS HIGHWAY

MATT.

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7299-7300
John P. Simpson
15-17 Walker Street, Charlestown

Existing
at site: Three-story duplex structure

Purpose of
petition: Subdivide duplex structure; legalize occupancies as two one-family dwellings.

District(s) Site is in apartment (H-1) multifamily district.
and Uses(s): One-family dwellings are allowed uses in multifamily district.

Violation(s):

Lot area, lot width, and open space are insufficient.

Floor area ratio is excessive.

No record of legal occupancies. Subdivision will allow sale of separate dwellings to owner-occupants. Violations are technical. No response from abutters. Recommend approval with proviso.

VOTED: In reference to petitions Z-7299-7300, John P. Simpson, 15-17 Walker Street, Charlestown, for eight variances to subdivide duplex structure and legalize occupancies for two one-family dwellings in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval with the following proviso: that a covenant requiring uniform treatment of the exterior of the structure be part of the deeds and be recorded in the Registry of Deeds. No record of legal occupancies. Subdivision will allow sale of separate dwellings to owner-occupants. Violations are technical.



Z-7299-7300

15-17 WALKER ST. CHARLESTOWN

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7301

F. M. & G. Realty Corp.

114-126 Washington Street, Dorchester

Existing
at site: One-story structure

Purpose of
petition: Change occupancy from six stores to five stores and take-out
restaurant.

District(s) Site is in apartment (H-2) multifamily district.
and Uses(s): Six stores are legal nonconforming uses; take-out restaurant is
forbidden use in multifamily district.

Violation(s):

Take-out restaurant is forbidden use.

Area is residential with local business facilities. Essentially, a Chinese food take-out restaurant would replace a beauty salon. Two residents are opposed, citing noise and debris problems. Provisos in proposed vote should mitigate these concerns. Recommend approval with provisos.

VOTED: In reference to petition Z-7301, F. M. & G. Realty Corp., 114-126 Washington Street, Dorchester, for a forbidden use for change of occupancy from six stores to five stores and take-out restaurant in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval with the following provisos: that operation terminate no later than 11 p.m. daily; that premises be maintained free of debris and arrangements made for daily trash and rubbish collections; that plans, inclusive of all ventilation, be submitted to the Authority for design review approval. Proposed Chinese food take-out restaurant is compatible with residential-local business character of area.



Z-7301 114-126 WASHINGTON ST. DORCHESTER

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7302

James Mosewick

4 Cedar Place, Dorchester

Existing
at site: 2½-story structure

Purpose of
petition: change occupancy from one-family dwelling to day care center
for ten children.

District(s) Site is in residential (R-.8) three-family district.
and Uses(s): Day care center is conditional use in three-family district.

Violation(s):

Day care center is conditional use.

This use could be beneficial to the Uphams Corner area. However, staff has been unable to contact petitioner to address critical concerns: hours of operation, potential traffic problems on small narrow street (pick-up and drop-off of children), and compliance with State regulations for nursery center. Recommend denial without prejudice.

VOTED: In reference to petition Z-7302, James Mosewick, 4 Cedar Place, Dorchester, for conditional use for change of occupancy from one-family dwelling to day care center for ten children in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial without prejudice. This use could be beneficial to the Uphams Corner area. However, Authority staff has been unable to contact petitioner to address critical concerns: hours of operation, potential traffic problems on small narrow street (pick-up and drop-off of children), compliance with State regulations for nursery center.



Z-7302

4 CEDAR PLACE

DORCHESTER

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7303

Museum of Fine Arts
10-12 Museum Road, Boston

Existing
at site: Vacant land

Purpose of
petition: Use premises for ancillary parking - 14 cars.

District(s) Site is in apartment (H-2) multifamily district.
and Uses(s): Ancillary parking lot is conditional use in multifamily district.

Violation(s):

Ancillary parking is conditional use.

Lot located directly opposite Museum will be used by its staff and Museum School staff between 10 a.m. and 3 p.m., thus not contributing to peak traffic periods. Recommend approval with provisos.

VOTED: In reference to petition Z-7303, Museum of Fine Arts, 10-12 Museum Road, Boston, for conditional use to use premises for ancillary parking of 14 cars in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval with the following provisos: that conditional use be granted for period not to exceed five years; that Authority and Museum review future site development plans; that parking lot plans, inclusive of landscaping, be submitted to the Authority for design review approval. Lot will be used by Museum staff and Museum School staff between 10 a.m. and 3 p.m., thus not contributing to peak traffic periods.



Z-7303

10-12 MUSEUM ROAD BOSTON

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

11
Z-7305
Faulkner Hospital
1133 Centre Street, Jamaica Plain

Existing
at site: Four-story structure

Purpose of
petition: Change occupancy from nurses' dormitory and classroom to
accessory clinic, physician and administrative offices.

District(s) Site is in single-family (S-.3) district.
and Uses(s): Nurses' dormitory is legal nonconforming use; hospital accessory
uses and services are conditional uses in single-family district.

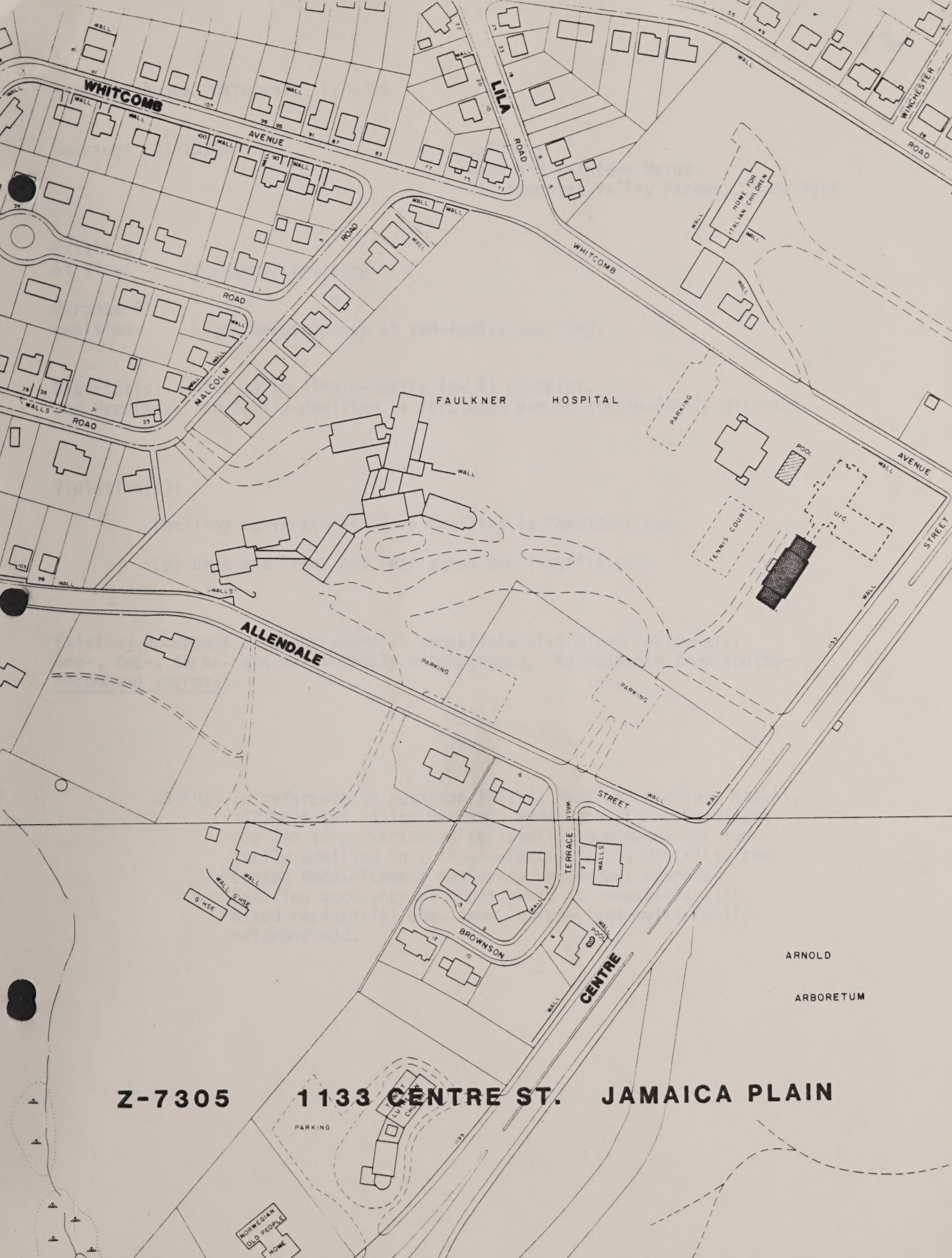
Violation(s):

Accessory uses and services in hospitals with more than 50 beds
are conditional uses.

Change in nonconforming use is conditional.

Primary purpose of appeal is to relocate renowned Hazel Sagoff Breast Cancer
Detection Center from present small space within the hospital complex.
Neighborhood critical concern is parking. Recommend approval with provisos.

VOTED: In reference to petition Z-7305, Faulkner Hospital, 1133
Centre Street, Jamaica Plain, for a conditional use and a
change in nonconforming use for change of occupancy from
nurses' dormitory and classroom to accessory clinic and
physician and administrative offices in a single-family
(S-.3) district, the Boston Redevelopment Authority recom-
mends approval only with the following provisos: that
occupancy change at this time be limited to relocation of
Hazel Sagoff Breast Cancer Detection Center; that hospital
work with neighborhood, City, and Authority on parking,
payment-in-lieu-of-taxes, and master plan issues prior to
conversion of remaining space in building. Primary purpose
of appeal is to relocate renowned Detection Center from
present small space within hospital complex. Neighborhood
critical concern is parking.



Z-7305

1133 CENTRE ST. JAMAICA PLAIN

Board of Appeal Referrals 11/1/84

Hearing: 11/13/84

Z-7314

Mark and Kathleen Nasuti

312 Neponset Valley Parkway, Hyde Park

Existing
at site: 2½-story structure

Purpose of
petition: Legalize occupancy as two-family dwelling.

District(s) Site is in single-family (S-.5) district.
and Uses(s): Two-family dwelling is forbidden use in single-family district.

Violation(s):

Dwelling converted for more families is forbidden use.

Lot area and front and rear yards are insufficient.

Existing occupancy of eight years is compatible with mixed residential one-, two-, three- and multi-family neighborhood. No response from abutters.
Recommend approval.

VOTED: In reference to petition Z-7314, Mark and Kathleen Nasuti, 312 Neponset Valley Parkway, Hyde Park, for a forbidden use and three variances to legalize occupancy for two-family dwelling in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval. Existing occupancy of eight years is compatible with mixed residential one- two-, three-, and multi-family neighborhood.



Z-7314

312 NEPONSET VALLEY PKWY

HYDE PARK